

PATENT
ATTORNEY DOCKET NO.: 044508-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerald V. QUINNAN, Jr. et al.

U.S. Application No.: 09/762,261

International Appl. Filing Date: August 4, 1999

Date of National Stage Entry: February 5, 2001

For: EXPRESSION AND CHARACTERIZA-
TION OF HIV-1 ENVELOPE PROTEIN
ASSOCIATED WITH BROADLY
REACTIVE NEUTRALIZING ANTIBODY
RESPONSE

Group: Unassigned

Examiner: Unassigned

BOX PCT

Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed March 29, 2001.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

☒ [X] No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

☐ [] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ [] The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

4. Fee Calculation

			Basic Fee: PCT Application-\$840.00	\$840.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	-20 =	0	\$18.00 each=	+\$0.00
Independent Claims	- 3 =	0	\$78.00 each=	+\$0.00
Multiple dependent claim(s), if any			\$260.00	+\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Reduction by ½ for filing by small entity. All entities associated with this application presently fully meet the requirements of 36 CFR §1.9(d).				\$
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+\$
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+
TOTAL FILING FEE =				\$130.00

05/31/2001 UEDUVIJE 00000077 500310 09762261

01 FC:154 130.00 CH

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00
<input type="checkbox"/> five months	\$1,890.00	\$945.00

Extension of time fee due with this request:

\$ _____

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

6. Fee Payment

The total fee due is:	Completion Fees	<u>\$ 130.00</u>
	Extension Fees	<u>\$ _____</u>
	Total Fee Due	<u>\$ 130.00</u>

- ☒ Please charge Deposit Account No. 50-0310 in the amount of \$130.00 representing the Missing Requirements Surcharge, respectively.

[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

7. Additional papers enclosed.

- [X] Statement Accompanying Response to Missing Requirements
- [] Preliminary Amendment
- [] PCT/IB/338 English translation of the International preliminary Examination Report
- [] Information Disclosure Statement
- [] Form PTO-1449, ___ documents as listed
- [] Declaration of Biological Deposit
- [] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Michael S. Tuscan

Reg. No. 43,210

Date: May 29, 2001

Customer No. 009629

MORGAN, LEWIS & BOCKIUS LLP

1800 M Street, N.W.

Washington, D.C. 20036

(202) 467-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

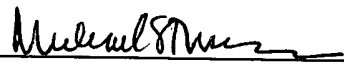
In re Application of: G. Quinnan et al.)	
)	
Application No. 09/762,261)	Group Art Unit: Not Assigned
)	
Filed: August 4, 1999)	Examiner: Not Assigned
)	
For: Expression & Characterization of HIV-1)	
Envelope Protein Associated with a)	
Broadly Reactive Neutralizing Antibody)	
Response)	

STATEMENT ACCOMPANYING RESPONSE TO MISSING REQUIREMENTS

The Notice of Missing Requirements dated March 29, 2001 indicated that an additional claim fee of \$80.00 was due. Applicants have again reviewed the as-filed claims and respectfully submit that no additional claim fee is due because the as-filed application contains 52 additional claims and 1 additional independent claim as determined by MPEP 608.01(n). However, if the Office determines that an additional claim fee is still due upon a second review of the as-filed claims, the Commissioner is hereby authorized by this paper to charge \$80.00 for the additional claim fee to Deposit Account No. 50-0310.

Date: **May 29, 2001**
Morgan, Lewis & Bockius LLP
Customer No. **009629**
1800 M Street, N.W.
Washington, D.C. 20036-5869

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Michael S. Tuscan
Registration No. 43,210



UNITED STATES PATENT AND TRADEMARK

Docketed 33001 Attorney RGA/MST/RJS
Case 44508-5001
Due Date 4-29-01
Action Missing Requirements
By SDW Chk gt

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/762261	QUINNAN RECEIVED	44508-5001-U
MORGAN LEWIS & BOCKIUS 1800 M STREET NW WASHINGTON, DC 20036		INTERNATIONAL APPLICATION NO.
MAR 30 2001 MORGAN, LEWIS & BOCKIUS LLP		PCT/US99/17596
		I.A. FILING DATE
		PRIORITY DATE
		04 AUG 99
		04 AUG 98

DATE MAILED: **29 MAR 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee. ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ 80.00 as a ☐ large entity ☒ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Pat Booker, Paralegal

Telephone: (703)305-3738

FORM PCT/DO/EO/905 (March 2001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PCT application of

John A ROBBINS

PCT/US01/09949

Filed March 28, 2001

Attn: BOX PCT

Docket No. 2001_0357A

A PROCESS AND APPARATUS FOR REDUCTION
OF MICROORGANISMS IN A CONDUCTIVE
MEDIUM USING LOW VOLTAGE PULSED
ELECTRICAL ENERGY

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975..

RESPONSE TO PCT COMMUNICATION

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

This is responsive to the PCT Communication dated April 26, 2001.

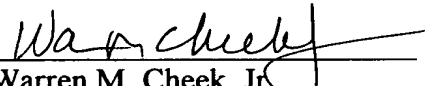
There is submitted herewith a Power of Attorney executed by the Applicant and
Inventor, John A. Robbins.

In addition, there is submitted herewith a new set of drawings of Figures 1 and 2, in
compliance with Annex C1.

The Applicant believes that all aspects raised in the PCT Communication have now
been complied with. Please contact the undersigned if you have any questions.

Respectfully submitted,
John A ROBBINS

By


Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicant

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May 29, 2001